

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 31, 2005

DIVISION ONE

B179304 People (Not for Publication)

V.

Miguel M. Espinoza

The judgment is affirmed.

Mallano, Acting P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B175232 Lion L.P. (Not for Publication)

V.

Eworldbrands, Inc., et al.

The judgment is reversed and on remand the trial court is directed to set the matter for new trial. Plaintiff is entitled to costs on appeal.

Mallano, J.

We concur: Vogel (Miriam A.), Acting P.J.

Rothschild, J.

DIVISION ONE (Continued)

B172638 Philip Coleman et al. (Certified for Publication)
v.
Republic Indemnity Insurance Company of California et al.

The order of dismissal is affirmed. The parties are to bear their own costs on appeal.

Mallano, Acting P.J.

I concur: Rothschild, J.
I concur in the judgment only: Vogel (Miriam A.), J.

B174917 People (Not for Publication)
v.
Boglin & Richardson

As to Boglin, the judgment is affirmed. As to Richardson, his attempted murder conviction (count 1) is reversed, and his sentence is vacated. The case is remanded for a new trial on count 1 and resentencing. In all other respects, Richardson's judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.
Mallano, J.

B168321 Reukema et al. (Not for Publication)
v.
Hawkins et al.

The judgment is affirmed. Defendants are entitled to costs on appeal.

Mallano, J., Acting P.J.

We concur: Vogel (Miriam A.),
Rothschild, J.

August 31, 2005 (Continued)

DIVISION ONE (Continued)

B183285 Anthony J. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children & Family Srvcs, r.p.i.)

The petitions for extraordinary writ are denied.

Mallano, Acting P.J.

I concur: Rothschild, J.
I concur in the judgment only: Vogel (Miriam A.), J.

B178952 People v. Perry (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

I concur: Rothschild, J.
I concur in judgment only: Vogel (Miriam A.), J.

B172592 People (Not for Publication)
B181555 v.
Antonio J.

The orders are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION TWO

B173479 Santa Anita Church (Not for Publication)
 v.
 Guideone Mutual Insurance Company

The order granting a partial new trial is reversed. GuideOne is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Suzukawa, J. (Assigned)

B176845 Asplin (Not for Publication)
 v.
 County of Los Angeles, et al.

The judgment and order denying appellant's second petition are affirmed. The Department is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Suzukawa, J. (Assigned)

B177314 Johnson (Not for Publication)
 v.
 Antelope Valley Union High School District

The judgment is affirmed. Sanctions in the amount of \$15,750 payable to respondent Antelope Valley Union High School District are ordered imposed against appellant and appellant's attorneys, Law Offices of Lauren Abrams, Lauren Mayo-Abrams, Herbert Abrams and Marqui Hood for attorney fees incurred in responding to this frivolous appeal. Sanctions are ordered to be paid within five days after this opinion is final. Appellant is further ordered to bear respondent's costs of appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Suzukawa, J. (Assigned)

DIVISION TWO (Continued)

B183506 Ariana M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Suzukawa, J. (Assigned)

B176692 David M. a Minor, etc
 v.
 Beverly Hospital, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B170770 Rosman (Not for Publication)
 v.
 Rosman

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

August 31, 2005 (Continued)

DIVISION THREE (Continued)

B175657 Rosman (Not for Publication)
v.
Rosman

The order of the court is reversed insofar as it denies child support for the daughter and orders Donna to pay for support arrearages. The matter is remanded to allow the trial court to make the findings required by law or to take any other appropriate action the trial court deems appropriate, consistent with this opinion. In all other regards, the order is affirmed. Donna is to bear her own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B176349 Ali
v.
Survival Insurance Brokerage, et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B177956 People (Not for Publication)
v.
Freddy Garcia

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

August 31, 2005 (Continued)

DIVISION SIX

B175259 People (Not for Publication)
 v.
 Vindiola

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B174405 Frost et al.
 v.
 Gurewitz et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B177411 People v. Ivancevic
B177510 People v. Melgar
B178003 People v. Breaux
B178315 People v. Smith
B178346 People v. Jontae T.
B178906 People v. Mullen
B179303 People v. Remijio
B179713 People v. Sylvester C.
B179761 People v. Hawkins
B179828 People v. Mijares
B181374 People v. Holguin

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B178656 People
 v.
 Glass

Merits:

Argued by A. William Bartz for appellant and by Daniel Chang, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 9:13 a.m.

Court reconvened at 10:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J. and Eva McClintock, Deputy Clerk.

B178243 Dunwoodie v. Salvation Army

Argument waived, cause submitted.

B177188 Arocho
 v.
 California Fair Plan

Merits:

Argued by Jeffrey Diamond for appellants and by Gerard LaFond for respondent. Cause submitted.

B179538 Diamond
 v.
 Schwartz

Merits:

Argued by Paul Coony for appellant and by Bruce Benjamin for respondent. Cause submitted.

Court recessed at 10:52 a.m.

DIVISION SEVEN (Continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B180202 Rose
 v.
 Raytheon Co.

Merits:
Argued by Ray McCullough for appellant and by Todd Whitman for respondent. Cause submitted.

B184247 Hall
 v.
 Superior Court, Los Angeles County

Merits:
Argued by Mark Harvis, Deputy District Attorney for petitioner and by Keith Kessler for respondent. Cause submitted.

B179888 Ford
 v.
 KFC Corporation

Merits:
Argued by Mary Louise Ford appellant in propria persona and by Connie Benson for respondent. Cause submitted.

B175221 Simon Marketing
 v.
 PricewaterhouseCoopers

Merits:
Argued by John Girardi for appellant and by Robert Schulman for respondent. Cause submitted.

Court adjourned at 2:55 p.m.

DIVISION EIGHT

B176864 Fe Nachor et al. (Not for Publication)

v.
City Of Los Angeles

The trial court's judgment is affirmed. The City is awarded its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

B180055 Los Angeles County, D.C.S. (Not for Publication)

v.
Jose C.

The order terminating parental rights is vacated and the matter is remanded to the juvenile court with instructions that DCFS, within 10 days of remittitur, and under the ICWA and rule 1439 of the California Rules of Court (as amended, effective January 1, 2005), provide the appropriate Cherokee tribes and the BIA with proper notice of the pending proceedings. The notice must include the parents', grandparents' (if all are or can be known), and all relevant ancestors' names and other pertinent information, the required forms, and a copy of the first amended petition. DCFS forthwith must file with juvenile court copies of the notices sent, all return receipts, and all responses received.

If, after proper notice, no tribe responds indicating Jay and Dayja are Indian children within the meaning of the ICWA, the juvenile court is directed to reinstate its order terminating parental rights and all prior orders. On the other hand, if a tribe determines Jay and Dayja are Indian children and seeks to intervene in the dependency proceedings, the court is directed to proceed in accordance with the requirements of the ICWA, section 360.6, and rule 1439 of the California Rules of Court.

The order denying Father's oral request to set a contested hearing to address the applicability of the sibling relationship exception to termination of parental rights is reversed.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.